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and J. WILLIAMS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION

JAGDEEP S. BIDWAL,
Plaintiff,
vs.
UNIFUND CCR PARTNERS;
UNIFUND A, LLC; MATTHEW W.
QUALL; LANG, RICHERT &
PATCH, A Professional Corp.;
ELECTRONIC DOCUMENT
PROCESSING, INC., a California
Corporation; J. ASCORRA, an
individual; J. WILLIAMS; and DOES
1 through 10, inclusive,
Defendants.

CASE NO: 17-CV-02699-LB

**DEFENDANT ELECTRONIC
DOCUMENT PROCESSING, INC.,
JULIO ASCORRA AND JACOUBI
WILLIAMS' ANSWER TO FIRST
AMENDED COMPLAINT**

TO THE COURT, AND TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD
HEREIN:

COMES NOW defendants ELECTRONIC DOCUMENT PROCESSING, INC. (Referred to herein as "EDP"), JULIO ASCORRA (sued herein as "J. ASCORRA") and JACOBBI WILLIAMS (sued herein as "J. Williams") (jointly referred to herein as, "defendants"), for themselves alone, in Answer to the unverified First Amended Complaint

1 ("FAC") of plaintiff JAGDEEP S. BIDWAL (referred to herein as "Plaintiff"), enumerated
2 paragraph by paragraph, as follows:

3 1. In answering Paragraph 1 of the FAC, Defendants aver that Plaintiff claims this
4 court has both personal and subject matter jurisdiction. To the extent not herein admitted,
5 the remaining allegations of Paragraph 1 are denied.

6 2. In answering Paragraph 2 of the FAC, Defendants lack sufficient knowledge or
7 information regarding whether the challenged conduct occurred while Plaintiff resided in
8 Alameda County. To the extent not herein admitted, the remaining allegations of Paragraph
9 2 are denied.

10 3. In answering Paragraph 3 of the FAC, Defendants lack sufficient knowledge or
11 information regarding whether Plaintiff resides within this district. To the extent not herein
12 admitted, the remaining allegations of Paragraph 3 are denied.

13 4. In answering Paragraph 4 of the FAC, Defendants lack sufficient information and
14 belief regarding the allegations contained therein, and based upon such lack of information and
15 belief, the allegations therein are denied, both generally and specifically.

16 5. In answering Paragraph 5 of the FAC, Defendants lack sufficient information and
17 belief regarding the allegations contained therein, and based upon such lack of information and
18 belief, the allegations therein are denied, both generally and specifically.

19 6. In answering Paragraph 6 of the FAC, Defendants lack sufficient information and
20 belief regarding the allegations contained therein, and based upon such lack of information and
21 belief, the allegations therein are denied, both generally and specifically.

22 7. In answering Paragraph 7 of the FAC, Defendants lack sufficient information and
23 belief regarding the allegations contained therein, and based upon such lack of information and
24 belief, the allegations therein are denied, both generally and specifically.

25 8. In answering Paragraph 8 of the FAC, Defendant EDP admits it is a business entity.
26 Defendant EDP denies that it has attempt to collect outstanding financial obligations as EDP
27 is in the business of service of process. Defendant lacks sufficient knowledge or information

1 to form a belief as to whether the unpaid financial obligation at issue in this action was
2 incurred primarily for personal, family, or household use, and on that basis, Defendant denies
3 that the obligation constitutes a “debt” as defined by the Fair Debt Collection Practices Act
4 (“FDCPA”) 15 U.S.C. 1692a(5) or a “consumer debt” as defined by the Rosenthal Act Cal.
5 Civ. Code §1788.2(f). To the extent not herein admitted, the remaining allegations of
6 Paragraph 8 are denied.

7 9. In answering Paragraph 9 of the FAC, Defendant Ascorra admits he is an individual.
8 Defendant Ascorra denies that it he attempted to collect outstanding financial obligations as
9 Ascorra is a process server not a debt collector. Defendant lacks sufficient knowledge or
10 information to form a belief as to whether the unpaid financial obligation at issue in this action
11 was incurred primarily for personal, family, or household use, and on that basis, Defendant
12 denies that the obligation constitutes a “debt” as defined by the Fair Debt Collection Practices
13 Act (“FDCPA”) 15 U.S.C. 1692a(5) or a “consumer debt” as defined by the Rosenthal Act Cal.
14 Civ. Code §1788.2(f). To the extent not herein admitted, the remaining allegations of
15 Paragraph 9 are denied.

16 10. In answering Paragraph 10 of the FAC, Defendant Williams admits he is an
17 individual. Defendant Williams denies that it he attempted to collect outstanding financial
18 obligations as Ascorra is a process server not a debt collector. Defendant lacks sufficient
19 knowledge or information to form a belief as to whether the unpaid financial obligation at
20 issue in this action was incurred primarily for personal, family, or household use, and on that
21 basis, Defendant denies that the obligation constitutes a “debt” as defined by the Fair Debt
22 Collection Practices Act (“FDCPA”) 15 U.S.C. 1692a(5) or a “consumer debt” as defined by
23 the Rosenthal Act Cal. Civ. Code §1788.2(f). To the extent not herein admitted, the remaining
24 allegations of Paragraph 10 are denied.

25 11. In answering Paragraph 11 of the FAC, Defendants aver that Plaintiff alleges that
26 the true names and capacities of the defendants sued herein as DOES 1 - 10 are unknown to
27 Plaintiff. Defendants deny any liability. To the extent not herein admitted, the remaining

1 allegations of Paragraph 11 are denied.

2 12. In answering Paragraph 12 of the FAC, Defendants deny the allegations contained
3 therein, both generally and specifically.

4 13. In answering Paragraph 13 of the FAC, Defendants lack sufficient information and
5 belief regarding the allegations contained therein, and based upon such lack of information and
6 belief, the allegations are denied, both generally and specifically.

7 14. In answering Paragraph 14 of the FAC, Defendants lack sufficient information and
8 belief regarding the allegations contained therein, and based upon such lack of information and
9 belief, the allegations are denied, both generally and specifically.

10 15. In answering Paragraph 15 of the FAC, Defendants lack sufficient information and
11 belief regarding the allegations contained therein, and based upon such lack of information and
12 belief, the allegations are denied, both generally and specifically.

13 16. In answering Paragraph 16 of the FAC, Defendants lack sufficient information and
14 belief regarding the allegations contained therein, and based upon such lack of information and
15 belief, the allegations are denied, both generally and specifically.

16 17. In answering Paragraph 17 of the FAC, Defendants admit that the contents of the
17 pleadings filed in the state court lawsuit referenced in that Paragraph are self-explanatory. To
18 the extent not herein admitted, the remaining allegations of Paragraph 17 are denied.

19 18. In answering Paragraph 18 of the FAC, Defendants aver that the contents of the
20 process server report are self-explanatory. To the extent not herein admitted, the remaining
21 allegations of Paragraph 18 are denied.

22 19. In answering Paragraph 19 of the FAC, Defendants deny the allegations contained
23 therein, both generally and specifically.

24 20. In answering Paragraph 20 of the FAC, Defendants aver that the contents of the
25 declaration referenced in this Paragraph are self-explanatory. To the extent not herein
26 admitted, the remaining allegations of Paragraph 20 are denied.

27 21. In answering Paragraph 21 of the FAC, Defendants deny the allegations contained

1 therein, both generally and specifically.

2 22. In answering Paragraph 22 of the FAC, Defendants lack sufficient information and
3 belief regarding the allegations contained therein, and based upon such lack of information and
4 belief, the allegations are denied, both generally and specifically.

5 23. In answering Paragraph 23 of the FAC, Defendants lack sufficient information and
6 belief regarding the allegations contained therein, and based upon such lack of information and
7 belief, the allegations are denied, both generally and specifically.

8 24. In answering Paragraph 24 of the FAC, Defendants lack sufficient information and
9 belief regarding the allegations contained therein, and based upon such lack of information and
10 belief, the allegations are denied, both generally and specifically.

11 25. In answering Paragraph 25 of the FAC, Defendants deny the allegations contained
12 therein, both generally and specifically.

13 26. In answering Paragraph 26 of the FAC, Defendants lack sufficient information and
14 belief regarding the allegations contained therein, and based upon such lack of information and
15 belief, the allegations are denied, both generally and specifically.

16 27. In answering Paragraph 27 of the FAC, Defendants lack sufficient information and
17 belief regarding the allegations contained therein, and based upon such lack of information and
18 belief, the allegations are denied, both generally and specifically.

19 28. In answering Paragraph 28 of the FAC, Defendants lack sufficient information and
20 belief regarding the allegations contained therein, and based upon such lack of information and
21 belief, the allegations are denied, both generally and specifically.

22 29. In answering Paragraph 29 of the FAC, Defendants lack sufficient information and
23 belief regarding the allegations contained therein, and based upon such lack of information and
24 belief, the allegations are denied, both generally and specifically.

25 30. Defendants incorporate by this reference their answer to Paragraphs 1 through 29
26 as if set forth verbatim.

27 31. In answering Paragraph 31 of the FAC, Defendants lack sufficient information and

1 belief regarding the allegations contained therein, and based upon such lack of information and
2 belief, the allegations are denied, both generally and specifically. Defendant lacks sufficient
3 knowledge or information to form a belief as to whether the unpaid financial obligation at
4 issue in this action was incurred primarily for personal, family, or household use, and on that
5 basis, Defendant denies that the obligation constitutes a “debt” as defined by the Fair Debt
6 Collection Practices Act (“FDCPA”) 15 U.S.C. 1692a(5) or a “consumer debt” as defined by
7 the Rosenthal Act Cal. Civ. Code §1788.2(f). To the extent not herein admitted, the remaining
8 allegations of Paragraph 10 are denied.

9 32. In answering Paragraph 32 of the FAC, Defendants deny the allegations contained
10 therein, both generally and specifically.

11 33. In answering Paragraph 33 of the FAC, Defendants deny the allegations contained
12 therein, both generally and specifically.

13 34. In answering Paragraph 34 of the FAC, Defendants deny the allegations contained
14 therein, both generally and specifically.

15 35. In answering Paragraph 35 of the FAC, Defendants deny the allegations contained
16 therein, both generally and specifically.

17 36. In answering Paragraph 36 of the FAC, Defendants deny the allegations contained
18 therein, both generally and specifically.

19 37. Defendants incorporate by this reference their answer to Paragraphs 1 through 36
20 as if set forth verbatim.

21 38. In answering Paragraph 38 of the FAC, Defendants deny the allegations contained
22 therein, both generally and specifically.

23 39. In answering Paragraph 39 of the FAC, Defendants lack sufficient information and
24 belief regarding the allegations contained therein, and based upon such lack of information and
25 belief, the allegations are denied, both generally and specifically. Defendant lacks sufficient
26 knowledge or information to form a belief as to whether the unpaid financial obligation at
27 issue in this action was incurred primarily for personal, family, or household use, and on that
28 basis, Defendant denies that the obligation constitutes a “debt” as defined by the Fair Debt
Collection Practices Act (“FDCPA”) 15 U.S.C. 1692a(5) or a “consumer debt” as defined by
the Rosenthal Act Cal. Civ. Code §1788.2(f). To the extent not herein admitted, the remaining
allegations of Paragraph 10 are denied.

1 basis, Defendant denies that the obligation constitutes a “debt” as defined by the Fair Debt
2 Collection Practices Act (“FDCPA”) 15 U.S.C. 1692a(5) or a “consumer debt” as defined by
3 the Rosenthal Act Cal. Civ. Code §1788.2(f). To the extent not herein admitted, the remaining
4 allegations of Paragraph 10 are denied.

5 40. In answering Paragraph 40 of the FAC, Defendants deny the allegations contained
6 therein, both generally and specifically.

7 41. In answering Paragraph 41 of the FAC, Defendants lack sufficient information and
8 belief as to whether the unpaid financial obligation was incurred primarily for personal, family,
9 or household use, and on that basis, Defendants deny that the obligation constitutes a
10 “consumer debt” as defined by the Rosenthal Act Cal. Civ. Code §1788.2(f). To the extent not
11 herein admitted, the remaining allegations of Paragraph 41 are denied.

12 42. In answering Paragraph 42 of the FAC, Defendants deny the allegations contained
13 therein, both generally and specifically.

14 43. In answering Paragraph 43 of the FAC, Defendants deny the allegations contained
15 therein, both generally and specifically.

16 44. In answering Paragraph 44 of the FAC, Defendants deny the allegations contained
17 therein, both generally and specifically.

18 45. In answering Paragraph 45 of the FAC, Defendants deny the allegations contained
19 therein, both generally and specifically.

20 46. In answering Paragraph 46 of the FAC, Defendants deny the allegations contained
21 therein, both generally and specifically.

22 47. In answering Paragraph 47 of the FAC, Defendants deny the allegations contained
23 therein, both generally and specifically.

24 **AS AND FOR A FIRST, SEPARATE AND AFFIRMATIVE DEFENSE,**
25 **DEFENDANTS ALLEGE:**
26 **(Statutes of Limitation)**

27 At all times and places herein mentioned in the underlying FAC, and with respect to

1 each and every Claim for Relief in said FAC against these responding defendants, plaintiff's
2 claims are barred because the plaintiff filed his FAC after expiration of the limitation periods
3 set forth in the applicable statutes of limitation as set forth in the FDCPA and RFDCPA..

4 **AS AND FOR SECOND, SEPARATE AND AFFIRMATIVE DEFENSE,
5 DEFENDANTS ALLEGE:**

6 **(Exemptions and Immunities)**

7 Defendants are entitled to statutory exemptions from prosecution by plaintiff in this
8 action, and are entitled to immunities provided by state and appellate law, barring this lawsuit
9 against these defendants, including, but not limited to, the attorney work product privilege
10 and the litigation privilege. Specifically, Defendants are exempt from the provisions of the
11 Fair Debt Collections Practices Act pursuant to 15 U.S.C. §1692a(6)(D) as Defendants were
12 serving or attempting to serve legal process on Plaintiff in connection with the judicial
13 enforcement of a debt.

14 **AS AND FOR THIRD, SEPARATE AND AFFIRMATIVE DEFENSE,
15 DEFENDANTS ALLEGE:**

16 **(Bona Fide Error)**

17 Defendants are not civilly liable because any alleged violation of the FDCPA or
18 RFDCPA in that any alleged violation was inadvertent, not intentional, and was the result
19 of bona fide error notwithstanding Defendants maintenance of policies and procedures
20 designed to avoid such error.

21 **WHEREFORE**, these responding defendants prays that:

- 22 1. The Court dismiss the subject First Amended Complaint for lack of subject matter
jurisdiction, lack of standing to sue, statute of limitations bar, and failure to state a
claim upon which relief can be granted;
- 23 2. The Court deny plaintiff's claim for injunctive or declaratory relief;
- 24 3. Plaintiff recover nothing by his pleading, *i.e.*, his Complaint;
- 25 4. The Court declare that these defendants have no liability or obligation to plaintiff,

1 based on the allegations in the Complaint;

2 5. Plaintiff be enjoined from filing other lawsuits based on the same facts and law
3 identified in the instant Complaint, as against these defendants;

4 6. The litigation fees and costs eventually incurred by these defendants to defend
5 themselves from plaintiff's allegations, including reasonable attorney and expert
6 witness fees, be recovered by these responding defendants as against the plaintiff
7 pursuant to all statutory or appellate law vehicles for recovery of such fees and costs;
8 and

9 7. For such other and further relief to defendants as the Court deems just and proper.

10 **DEMAND FOR JURY TRIAL**

11 **DEFENDANTS HEREBY DEMAND A JURY TRIAL ON THIS
12 LAWSUIT.**

13 DATED: October 17, 2017

14 SOLTMAN, LEVITT, FLAHERTY &
15 WATTLES LLP

16 By: /s/ Steven S. Nimoy
17 STEVEN S. NIMOY, ESQ.
18 Attorneys for Defendants,
19 ELECTRONIC DOCUMENT PROCESSING,
20 INC.; JULIO ASCORRA and JACOBBI
21 WILLIAMS

CERTIFICATE OF SERVICE

I hereby certify that on October 17, 2017, I caused to be electronically filed the foregoing **DEFENDANT ELECTRONIC DOCUMENT PROCESSING, INC., JULIO ASCORRA AND JACOBI WILLIAMS' ANSWER TO COMPLAINT** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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/s/Linda Abernethy
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